

## ORDINANCE 17-06

### AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 155, ARTICLE VI “DISTRICT REGULATIONS” RELATING TO THE RESIDENTIAL DISTRICT.

**WHEREAS**, the Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town;

**WHEREAS**, the Town Council of Millville has the power to enact zoning regulations pursuant to Title 22, Chapter 3 of the Delaware Code;

**WHEREAS**, the Town of Millville has adopted a Zoning Ordinance for the municipality, which has been codified in Chapter 155 of the Town Code; and

**WHEREAS**, Chapter 155, Article XIII provides that the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED**, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring Council duly met, following a duly noticed public hearing held on March 28, 2017, that the following language hereby is adopted and incorporated into the Town of Millville Code and Zoning Ordinance at Chapter 155, Article VI “District Regulations” as follows:

Additions will be in black bold and underlined.

~~Deletions will be black bold strike through.~~

Chapter 155. Zoning

Article VI. District Regulations

§ 155-10. R – Residential District.

- A. Purpose of the district. The purpose of this district is to provide for ~~medium density~~, single-family residential developments along with churches, recreational facilities, and accessory uses set forth below in Subsection C, Permitted accessory uses.

B. Permitted uses. In a R — Residential District, a building may be erected, altered or used on a lot or premises and may be used for any of the following purposes and none other:

(1) Single-family detached dwelling, but not including single- or double-wide mobile homes;

(2) Churches, rectories, parish houses, convents and monasteries, temples, synagogues and other places of worship;

(3) Cemeteries; or

(4) Public and private parklands, forests, wildlife reservations, and similar conservation project.

C. Permitted accessory uses.

(1) Accessory uses are incidental to and subordinate to the principal use of the lot. The following are permitted accessory uses:

(a) One detached accessory garage in compliance with the following:

[1] Any lot of less than 0.75 acre may have a detached accessory garage not to exceed a maximum of 800 square feet.

[2] Any lot of 0.75 acre or greater may have a detached accessory garage not to exceed a maximum of 1,200 square feet.

[3] Storage space located in attic areas shall be included in total square footage.

[4] A detached accessory garage must have a pitched roof and shall exceed neither 1 1/2 stories nor 18 feet in height.

[5] No detached accessory garage shall be located in any front yard area.

[6] A detached accessory garage shall have the following setbacks from the rear and side property lines:

Setback		
Square Footage	(feet)	Building Height
Up to 800	10	18 feet - not to exceed 1 1/2 stories
800 to 1,000	15	18 feet - not to exceed 1 1/2 stories
More than 1,000	20	18 feet - not to exceed 1 1/2 stories

[7] A detached accessory garage shall not occupy more than 20% of the side or rear yard in which it is located.

[8] All accessory buildings and principal buildings shall not exceed the maximum lot coverage of ~~45~~30% as stated in § 155-10**EF**(1)(b).

[9] All properties along Route 26 and Route 17 shall follow the Town's Development Design Standards and Guidelines.

(b) Recreational uses, such as tennis courts, swimming pools, and other similar activities operated exclusively for the use of private membership and not for commercial purposes;

(c) Shelters for domestic pets not to exceed 50 square feet exclusive of runs;

(d) Other customary residential accessory structures, such as private swimming pools, fireplaces, trellises, post lights and the like;

(e) Yard sales, provided that no more than two said sales shall be conducted in any one calendar year and provided that each said sale does not exceed two days in length of time;

(f) A structure, other than a primary residence or a detached accessory garage, such as a shed to be used for the storage of equipment to maintain that property on an individual parcel. However, this structure is not to be used for rental income or for any type of commercial storage other than personal use. Said structure shall not exceed 400 square feet;

(g) Playhouses, without plumbing, limited in floor area to 150 square feet and limited in head room to five feet;

(h) Storage of a boat trailer, camp travel trailer or a boat on the driveway; ~~not in a front yard~~; or

(i) Accessory off-street parking and loading spaces. Open or enclosed space for parking one commercial vehicle of not more than one-ton capacity and used by the occupant of a dwelling shall be permitted as accessory.

(2) All permitted accessory structures shall be compatible in style and function with the principal use.

D. Building height. The height of a building shall not exceed ~~35~~ 42 feet in height or more than three stories, exclusive of a basement.

E. Area and yard requirements.

(1) The following requirements shall apply to all uses in the zone except where otherwise provided:

(a) Minimum:

[1] Lot frontage: ~~75~~ 60 feet. Minimum lot frontage of 100 feet is required for lots without access to public sewer and water services.

[2] Lot area: ~~10,000~~ 7,500 square feet. ~~(NOTE: Minimum lot area of 10,000 square feet with a lot frontage of 75 feet is required provided the parcel is currently served with public-supplied sewer and water, or provided the owner/developer provides a written certification from Sussex County and a franchise water supply company that public sewer and water will be available to the subject parcel within 90 calendar days of the building permit application, or provided the owner/developer provides other proof that public sewer and water will be available to the subject parcel within 90 calendar days of the building permit application. Minimum lot area of 21,500 square feet with a lot frontage of 100 feet is required for lots without access to public sewer and water services.)~~

[3] Lot depth: 100 feet.

[4] Each side yard: ~~40~~ 7 feet.

[5] Front yard: ~~40-25~~ feet.

[6] Livable floor area per residential unit: 1,200 square feet. (NOTE: Excluding basements and open porches.)

[7] Rear yard: 10 feet.

(b) Maximum: the maximum coverage of the lot, including for the principle building and all accessory buildings, shall be ~~30-45~~%.

F. Minimum off-street parking. See Article VII, Supplemental District Regulations, § 155-28, Off-street parking.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage by the Town Council for the Town of Millville.

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ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 28 DAY OF March, 2017.

SEAL:



A handwritten signature in blue ink, reading "Robert W. Gordon", written over a horizontal line.

ROBERT GORDON, MAYOR

A handwritten signature in blue ink, reading "Valerie Faden", written over a horizontal line.

VALERIE FADEN, SECRETARY

ATTESTED:

A handwritten signature in blue ink, reading "Matthew Thomas Amerling", written over a horizontal line.